

## **Exhibit B**

Masahiro Noda  
Tel 212.801.2168  
Fax 212.309.9560  
nodam@gtlaw.com

March 17, 2016

**VIA ELECTRONIC MAIL AND UPS**

Adam M. Ekonomon, Esq.  
Big Heart Pet Brands  
P.O. Box 193575  
San Francisco, CA 94119-3575

The J.M. Smucker Company  
One Strawberry Lane  
Orrville, OH 44667-1298

Email: [adam.ekonomon@jmsmucker.com](mailto:adam.ekonomon@jmsmucker.com)  
[rommel.cortez@jmsmucker.com](mailto:rommel.cortez@jmsmucker.com)

Re: Use of PILL POUCHES By Bet Heart Pet Brands

Dear Mr. Ekonomon:

We are attorneys for Mars, Incorporated (“Mars” or “our client”), a leading developer and manufacturer of premium pet food products. Mars has been developing and manufacturing premium pet food products for over eighty years, including its famous GREENIES® brand of dental treats and dental chews for dogs and cats.

Mars is the owner of the well-established family of famous GREENIES® trademarks and is also the owner of two federal trademark registrations for PILL POCKETS covering “ingestible pouch sold empty for use in encapsulating and aiding in the oral administration of medications and vitamins” (Reg. No. 2673252) as well as “pet food and pet treats” (Reg. No. 4045515), which are sold as part of the GREENIES® brand (hereinafter, the “PILL POCKETS Trademark”). As a result of Mars’ extensive and substantially exclusive use of the PILL POCKETS Trademark, coupled with its extensive advertising and marketing, it exclusively identifies our client as the source of the pet foods and pet treats. Both the GREENIES® brand and the PILL POCKETS Trademark enjoy tremendous goodwill and represent valuable assets of our client’s business.

It has recently come to our attention that Big Heart Pet Brands (“you” or “your company”) is promoting and advertising ingestible pouch treats for pets as depicted below:

ALBANY  
AMSTERDAM  
ATLANTA  
AUSTIN  
BERLIN  
BOCA RATON  
BOSTON  
CHICAGO  
DALLAS  
DELAWARE  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON\*  
LOS ANGELES  
MEXICO CITY  
MIAMI  
MILAN\*\*  
NEW JERSEY  
NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
ORLANDO  
PHILADELPHIA  
PHOENIX  
ROME\*\*  
SACRAMENTO  
SAN FRANCISCO  
SEOUL  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TEL AVIV\*  
TOKYO\*  
WARSAW  
WASHINGTON, D.C.  
WESTCHESTER COUNTY  
WEST PALM BEACH  
\* OPERATES AS  
GREENBERG TRAURIG GERMANY, LLP  
\* OPERATES AS  
GREENBERG TRAURIG MAHER LLP  
\* OPERATES AS  
GREENBERG TRAURIG, S.C.  
\* STRATEGIC ALLIANCE  
\* OPERATES AS  
GREENBERG TRAURIG LLP  
FOREIGN LEGAL CONSULTANT OFFICE  
\* A BRANCH OF  
GREENBERG TRAURIG P.A.  
FLORIDA, USA  
\* OPERATES AS  
GT TOKYO HOKUTSU JINUSHO  
OPERATES AS  
GREENBERG TRAURIG GRZESIAK SPK

**New!**

LOVED SINCE 1908  
**MILK-BONE**

ADVANCED  
CARE

**New!**

LOVED SINCE 1908  
**MILK-BONE**

**pill pouches**  
A DELICIOUSLY SIMPLE WAY TO DISGUISE PILLS

HICKORY SMOKED BACON FLAVOR



- NO BY-PRODUCTS, MEALS, OR ARTIFICIAL FLAVORS
- FITS MOST CAPSULES & TABLETS

  
25 POUCHES

**New!**

LOVED SINCE 1908  
**MILK-BONE**

**pill pouches**  
A DELICIOUSLY SIMPLE WAY TO DISGUISE PILLS

WITH REAL CHICKEN



- NO BY-PRODUCTS, MEALS, OR ARTIFICIAL FLAVORS
- FITS MOST CAPSULES & TABLETS

  
25 POUCHES



**MILK-BONE® PILL POUCHES**  
Mess-free pouches that mold around the outside of most medications to make at-home pilling easier and more effective.

 FITS MOST CAPSULES & TABLETS

 80% FEWER CALORIES THAN HUMAN FOOD ALTERNATIVES

 NO BY-PRODUCTS, MEALS, OR ARTIFICIAL FLAVORS

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Prescription pilling is a significant challenge for 7 of 10 pet owners. While clients agree that successful pilling is an important contributing factor to the systemic health of their pets, difficulty pilling may adversely affect pet health. Currently, only 12% of dog owners can successfully pill without using human food as a disguise, leading to higher calorie intake on top of everyday diets. That is why we have created an easy-to-use solution designed to help clients conceal the taste and smell of medication inside a convenient, mess-free treat.



New Milk-Bone® Pill Pouches have a soft, malleable form that fits most capsules and tablets. Available in two delicious flavors with real chicken as the first ingredient, these meaty, bite-size treats are highly palatable in 99% of dogs tested, helping to improve pilling compliance. With 80% fewer calories than human food disguises like peanut butter, cheese or meat, Milk-Bone® Pill Pouches are a great alternative perfect for everyday use.

#### DIRECTIONS FOR USE:

KEEP PILL TASTE AND SMELL AWAY FROM THE OUTSIDE OF THE TREAT. USE ONE HAND FOR THE TREAT AND ONE FOR THE PILL.



##### 1) FILL:

Hold Pill Pouches treat with your thumb and forefinger, insert medicine.



##### 2) PINCH:

After inserting medicine, pinch both sides closed using one hand.



##### 3) GIVE:

The Pill Pouches treat is now sealed and ready to feed to your dog.

As with other Milk-Bone® brand offerings, new Milk-Bone® Pill Pouches will be widely available to your clients at an affordable price. You and your clients will see a national advertising campaign designed to build awareness of this new innovative solution.

It is of great concern to our client that your company has decided to employ a product name, namely, "Pill Pouches" for the same products for which Mars has registered the PILL POCKETS Trademark. Mars believes that the use of the name "Pill Pouches" for the same

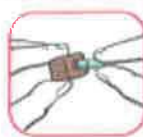
products covered under the PILL POCKETS Trademark is likely to cause confusion, mistake, and deception as to the source of your goods.

Furthermore, the “Directions for Use” appearing at the bottom of the back of the “Pill Pouches” product packaging (the “Directions”) is very similar to the “Feeding Guidelines,” which has been long used by Mars, also appearing on the back of the PILL POCKETS packaging (“Feeding Guidelines”). The Directions are set forth in 3 steps (so are the Feeding Guidelines), employ highly similar diagrams (your company’s images are horizontal versions of the Feeding Guidelines’ images), and incorporate similar explanations under each step (e.g., Step 1 for the “Directions” states “FILL: Hold Pill Pouches treat with your thumb and forefinger; insert medicine” whereas Step 1 for Mars’ Feeding Guidelines states “Hold PILL POCKETS® treat with your thumb and forefinger, insert tablet/capsule.” Please see below.

#### Your Client’s “Directions for Use” for Pill Pouches

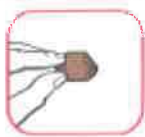
##### **DIRECTIONS FOR USE:**

KEEP PILL TASTE AND SMELL AWAY FROM THE OUTSIDE OF THE TREAT. USE ONE HAND FOR THE TREAT AND ONE FOR THE PILL.



##### **1) FILL:**

Hold Pill Pouches treat with your thumb and forefinger; insert medicine.



##### **2) PINCH:**

After inserting medicine, pinch both sides (thumb and forefinger) to seal.




##### **3) GIVE:**

The Pill Pouches treat is now sealed and ready to feed to your dog.


#### Mars’ PILL POCKETS “Feeding Guidelines”

**FEEDING GUIDELINES: Feed as a treat**  
**GUIDE ALIMENTAIRE : Offrir comme une gâterie**


**1 FILL:** Hold PILL POCKETS® treat with your thumb and forefinger, insert capsule.  
**GARNIR :** Tenez la gâterie PILL POCKETS® entre le pouce et l'index, insérez la capsule.



**2 PINCH:** Using the same hand holding the PILL POCKETS® treat, squeeze the top half closed. **PINCER :** Avec la main qui tient la gâterie PILL POCKETS®, refermez en pinçant la moitié supérieure.



**3 GIVE:** The PILL POCKETS® treat is now sealed, feed to your dog.  
**DONNER :** Donnez la gâterie PILL POCKETS® ainsi refermée à votre chien.



**IMPORTANT:** To prevent transfer of medicine smell or taste, do not touch PILL POCKETS® treat with the hand that held the medicine.  
**IMPORTANT :** Afin d'éviter de conférer à la gâterie l'odeur ou le goût de médicament, ne touchez pas la gâterie PILL POCKETS® avec la main qui a tenu le médicament.

In light of the foregoing, please give me a call in the next week to discuss this matter in the interest of resolving this matter amicably and expeditiously.

Big Heart Pet Brands  
March 17, 2016  
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The above does not constitute an offer of settlement and is sent without prejudice to any rights or claims of Mars, all of which are expressly reserved.

Best regards,

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Masahiro Noda